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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TERI JAMES, Guardian ad litem for
AMANDA JAMES and SAMANTHA
WEIDLAND,

Plaintiff - Appellant,

v.

SOCIAL SERVICES AGENCY OF
BUTTE COUNTY, Department of Family
& Children's Services and the Child
Protective Services Department; et al.,

Defendants - Appellees.

No. 05-16706

D.C. No. CV-02-00878-DFL

MEMORANDUM *

Appeal from the United States District Court
for the Eastern District of California
David F. Levi, District Judge, Presiding

Submitted January 13, 2009 **

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Teri James appeals pro se from the district court's summary judgment for defendants in her 42 U.S.C. § 1983 action alleging violations of the First, Fourth, Fifth, and Fourteenth Amendments. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Universal Health Serv., Inc. v. Thompson*, 363 F.3d 1013, 1019 (9th Cir. 2004). We affirm.

Because James does not challenge the district court's bases for dismissing her claims as time-barred and rejecting her equitable tolling arguments, she forfeits any challenge to that determination. *See Martin v. City of Oceanside*, 360 F.3d 1078, 1081 (9th Cir. 2004) (appellant forfeits issues not specifically and distinctly argued in her opening brief).

We do not consider James's contention that she is entitled to equitable tolling on the basis of defendants' alleged threats to deny her custody of her daughter if she pursued legal action because she raises this argument for the first time on appeal. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (stating that, as a general rule, the court will not consider arguments that are raised for the first time on appeal).

AFFIRMED.